

Mr. SPEAKER.—The Bill will be sent to the other House with this message.

Sri K. HANUMANTHAIYA.—Sir, we shall go to the next Bill.

Mr. SPEAKER.—We shall meet after lunch. The House will now rise for lunch and meet again at 3-30 P.M.

The House rose for Lunch at Fifty-five Minutes past Two of the Clock and met again at Thirty Minutes past Three of the Clock.

[Mr. SPEAKER in the Chair.]

MYSORE MUNICIPAL LAWS (AMENDMENT) BILL, 1953.

Sri K. HANUMANTHAIYA (Chief Minister).—Sir, the Mysore Municipal Laws (Amendment) Bill, 1953, is before the House for consideration. At the stage of consideration several doubts were expressed by Hon'ble Members in regard to the wording of clause 2 (a) and 2 (b). Objections were raised to the words "belonging to His Highness the Maharaja of Mysore" and "the buildings and lands appurtenant thereto". That was because, Sir, the two properties, the Palaces at Bangalore and Mysore, were conceded in the agreement as private property but inalienable. According to section 10 of Transfer of Property Act, a condition attached to ownership becomes void. Therefore, it is argued that inalienability being attached to private property would be inconsistent with the ownership and therefore inalienability would not have much meaning. When these doubts were raised I promised the House to look into the legal aspect of the matter and also have a talk with His Highness the Rajpramukh and also with the State Ministry. Subsequently I had the occasion to discuss this subject with His Highness the Rajpramukh and certain correspondence took place between the State Ministry and this Government. As a result of these talks as well as the examination of the legal question involved, I have sent two amendments. I will move them at the appropriate stage, Sir. At this stage,

I would like to submit to the House that we have to retain the phraseology that these two Palaces are private property of His Highness the Maharaja and also that they are inalienable. These words, Sir, occur in the agreement. The agreement has two sets of papers. One is the original agreement entered into between His Excellency the Governor-General of India and His Highness the Maharaja of Mysore on 23rd January 1950. That agreement enunciates certain general principles. It does not include details. Subsequently, there was another conference and a letter has been issued by the States' Ministry on 8th January 1951. That letter has to be read as part of the agreement or explanation to the agreement dated 23rd January 1950. Clause 12 in the letter dated 8th January 1951 reads as follows:

"The private properties of Your Highness will be liable to tax. The Palaces at Bangalore and Mysore will, however, be exempted from all taxes, Municipal, State or Central."

In pursuance of that clause, Government issued a Gazette Notification dated 6th February 1951 wherein it is said:

"The private properties of His Highness will be liable to tax in future. The Palaces at Bangalore and Mysore will, however, be exempted from all taxes, Municipal, State or Central."

This Government Order was not sufficient to implement the terms of the agreement because there were municipal laws which exempted the payment of taxes so far as private properties of His Highness were concerned in Mysore, Bangalore and in other towns. Therefore the enactments which gave this exemption had to be amended in order to give effect to the terms of the agreement and also to the Government Order subsequently issued. Hence this amending Bill was brought before the Legislature.

So far as the legal question is concerned, it has been stated that

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this inalienability being inconsistent with ownership cannot be applied to an agreement arrived at between the Government of India and His Highness the Rajpramukh of Mysore, for there is a separate article governing such agreements. That is Article 363 of the Constitution. Hence there cannot be any legal objection on this point. Article 363 resolves the legal difficulty which would otherwise arise. Hence we may accept this Bill. It is already very late in giving effect to the clauses of the agreement. We should have collected taxes from the private property of His Highness the Maharaja from the 23rd of January 1950. Even now I am sure His Highness the Maharaja will be pleased to pay all the taxes levied on his private property from the date of the agreement. It may be possible to raise a legal objection that the taxes would be paid only from the date this amending Bill becomes an Act. But those clauses which confer some benefits on His Highness the Rajpramukh have been taken advantage of and moneys have been drawn. It therefore follows, as a natural corollary, whatever liabilities that are to be discharged under the agreement have also to be likewise done irrespective of legal or technical objection. That is a matter for negotiations as I have already said and I am sure His Highness the Rajpramukh will be gracious enough to discharge the obligations whatever they are, under the agreement. The phraseology has been modified so that all doubts may be removed. In the amendments that I am going to move, I have used the very phraseology that has been used in the agreement. The phraseology that is incorporated in the Bill is rather elaborate and consequently gives room for doubt. I have already explained that the words "the buildings and lands appurtenant thereto belonging to His Highness the Maharaja of Mysore" will be omitted if the amendment that I move is passed by this House. The words used will be precisely "the Palace at Bangalore and the Palace at Mysore." Hence, I request the House to pass the consider-

ation motion and whatever debate we are likely to have may take place on the amendments when they are actually moved.

Sri J. MOHAMED IMAM (Jagalur).—Has the word 'Palace' been defined? What is the scope of the 'Palace'? What are the buildings attached to the Palace? I think it is necessary to define what the 'Palace' is.

Sri K. HANUMANTHAIYA.—I have already said that I will answer the point when the amendment is moved.

Sri K. PATTABHIRAMAN (Kolar).—Is there a Schedule to the agreement relating to the properties mentioned therein?

Sri K. HANUMANTHAIYA.—Yes, there is a Schedule defining what are the private properties.

Sri S. SRINIVASA IYENGAR (T. Narsipur).—If the Palace is not a Government property under the Town Municipalities Act, there is another section wherein it is said that no Government building is liable to be taxed. So, should we not define it further and add a clause that no tax shall be leviable on the Palace?

Sri K. HANUMANTHAIYA.—As my friend rightly remarked, these are not Government properties. They are not declared as such. Hence the necessity to bring this amendment.

Sri K. PATTABHIRAMAN.—I wanted to know with reference to the Schedule attached to the agreement and with particular reference to the Palaces which we have in view in respect of this Bill, what is the extent of the Schedule. That will certainly meet Sri Imam's view.

Sri K. HANUMANTHAIYA.—I have already said that the Schedule gives details regarding private property of His Highness the Maharaja. There cannot be any other Schedule.

Sri K. PATTABHIRAMAN.—Then my difficulty is this. By virtue of this Bill, the effect that we will be giving to the agreement is in order to declare what is the private property; otherwise it gives no other advantage. This Bill will only say we concede the Palaces as private property and they are not liable to taxation. That will be the effect of the Bill.

Sri K. HANUMANTHAIYA.—The object of the amending Bill is : Certain exemptions have been given in the Corporation Act of Bangalore, the Mysore City Municipality Act and the Town Municipalities Act that the private properties of His Highness the Maharaja and the Royal family should be exempted from all taxes. We are deleting that clause and in deleting it, we are stating that these two Palaces are exempted from the tax.

Sri K. PATTABHIRAMAN.—That is my difficulty. If you are deleting that provision, to get the right to levy taxes in respect of other properties—what should be the scope of the Bill? Why go further and add incidentally 'we also grant that these two are private properties and therefore they are not liable to taxes?' What is the object?

Sri K. HANUMANTHAIYA.—If we do not mention these two properties, they will be also liable to tax. If these two properties are not specifically mentioned in the way the amending Bill proposes to do, then these two properties become liable to tax. In the agreement it is said that these two properties are exempt from all taxes—municipal, State and Central, that exemption has to be given specifically to these two properties; and therefore there is the necessity to include them here.

Sri P. R. RAMA IYA (Basavangudi).—Should it not be the obligation of the State to provide official residence to the Rajpramukh as is being done in the case of the President of the Indian Republic and the Governors of other States?

Sri K. HANUMANTHAIYA.—This is not a question of obligation. This is a question of agreement and in the agreement this position has been clarified.

Sri T. MARIAPPA (Mysore City North).—Some doubts have been expressed as to whether the Palace belongs to His Highness or whether the Palace is the State property. For the purpose of considering this amendment or the amending Bill, it is not necessary for us to go into that question. As the Leader of the House has put it, it is mainly the question of honouring an agreement entered into between the

Government of Mysore and His Highness on the one side, the Government of India and His Highness on the other.

I would like to recall on this occasion the state of our country just soon after Partition. When the Britishers left India, they left the position of the States in a nebulous or fluid state. They declared that the Princes should become independent as soon as they withdrew from India and it was open to each Prince to enter into an agreement with the successor Government. May I, Sir, on this occasion pay a very handsome tribute to the far-sightedness of the Ruler of Mysore who without any hesitation or any mental reservation agreed to join the Union of India and he was the first Ruler who executed the Instrument of Accession with the Government of India and facilitated further entry of other Princes into this Union? Sir, the Government of India at that time were in great difficulty to unify this country. They had no precedents. They were faced with immense problems—the after-effects of partition on the one side, the huge turmoil that arose after the influx of population from West and East Pakistan, in addition to that the recalcitrant attitude of some of the Princes in India. Sir, it was indeed very gracious of His Highness to have immediately come forward and declared himself unequivocally in favour of the unity of India and also executed the Instrument of Accession. That set-up in which the agreement was entered into with the Ruler has to be considered. The Ruler for all practical purposes was independent who could not have been coerced into an agreement; when he of his own free will entered into an agreement with the Government of India, and at the suggestion of the Government of India, the Government of Mysore also agreed to honour that agreement. It would well become of this House to honour the agreement and accept the amendment proposed by the Leader of the House. Sir, it is not necessary for us to consider whether any restraint on alienation would be void under the Transfer of Property Act. It is a question of agreement entered into between the Central Government on

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the one side and the Ruler of Mysore on the other. I hope the House would accept the amendment in the spirit of honouring this agreement.

Mr. SPEAKER.—The question is :

“That the Mysore Municipal Laws (Amendment) Bill, 1953, as passed by the Council be taken into consideration.”

The motion was adopted.

Mr. SPEAKER.—Clause 2. There is an amendment by the Leader of the House.

Sri K. HANUMANTHAIYA.—Sir, I move :

“That for sub-clause (i) of Clause 2, the following sub-clause shall be substituted, namely,—

(i) for clause (b), the following clause shall be substituted, namely :—

“(b) no tax of any kind imposed as aforesaid shall be leviable in respect of the Palace in Mysore City ;”

Mr. SPEAKER.—The question is :

“That for sub-clause (i) of Clause 2, the following sub-clause shall be substituted, namely ;—

(i) for clause (b), the following clause shall be substituted, namely :—

“(b) no tax of any kind imposed as aforesaid shall be leviable in respect of the Palace in Mysore City ;”

The motion was adopted.

Mr. SPEAKER.—The question is :

“That Clause 2, as amended, stand part of the Bill.”

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Mr. SPEAKER.—Clause 3.

Sri K. HANUMANTHAIYA.—I move :

“That for sub-clause (i) of Clause 3, the following sub-clause shall be substituted, namely,—

‘(i) for clause (i) of section 101, the following clause shall be substituted, namely :

“(i) the Palace at Bangalore.’

Mr. SPEAKER.—The question is :

“For sub-clause (i) of Clause 3, the following sub-clause shall be substituted, namely,—

‘(i) for clause (i) of section 101, the following clause shall be substituted, namely :—

“(i) the Palace at Bangalore.”

The motion was adopted.

Mr. SPEAKER.—The question is :

“That Clause 3, as amended, stand part of the Bill.”

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Mr. SPEAKER.—Clause 4. The question is :

“That Clause 4 stand part of the Bill.”

The motion was adopted.

Mr. SPEAKER.—Clause 1.

Sri K. HANUMANTHAIYA.—Before that is put to vote, Sir, some members especially the President of the Mysore City Municipality wanted to move an amendment to Clause 1. But I do not know whether it would be permissible at this stage. I should not be understood that I got this Bill passed in his absence. Therefore you will kindly permit him.

Sri J. MOHAMED IMAM (Jagalur).—Meanwhile I want to have a clarification. I want to know whether the Palace includes Palace Offices and Palace dispensaries. There are other Palaces at Mysore, for example, Lalitha Mahal and the New Palace. I want to know whether all those come within the definition of ‘Palace.’

Sri K. HANUMANTHAIYA.—I am very glad to answer the question. The Mysore Palace is defined as “Palace and other buildings like khas *b.dadi* quarter, gardens, etc., and the temples within the fort walls and attached to fort walls and the gates.” Therefore, this

shows the Palace extends to the area within the fort walls and the buildings situated therein.

Sri J. MOHAMED IMAM.—So, the Palace Offices and Palace dispensary are outside?

Sri K. HANUMANTHAIYA.—Yes.

ಶ್ರೀ ಬಿ. ರಾಜಯ್ಯ (ಎಳಂದೂರು-ಅನುಸೂಚಿತ ಜಾತಿಗಳು).—ಚಾಮುಂಡಿ ಬೆಟ್ಟದ ಮೇಲಿರತಕ್ಕ ನಮ್ಮರ ಪ್ಯಾಲೇಸೋ?

Sri K. HANUMANTHAIYA.—I think that is the private property of His Highness.

Sri J. MOHAMED IMAM.—Lalitha Mahal is Government property?

Sri K. HANUMANTHAIYA.—Yes. Also, for the information of the House, I may read what is Bangalore Palace. The Bangalore Palace is defined as:

“The main Palace building and other buildings including the ground measuring about 600 acres surrounded by a stone wall on all sides, bounded by Palace-Gutta-halli Road and Madras and Southern Mahratta Railway line on the South, Jayamahall Road on the East, Old Bellary Road on the North and Sankey's and Bellary Road on the West”.

ಶ್ರೀ ಆರ್. ಅನಂತರಾಮನ್ (ಚಾಮರಾಜ ಪೇಟೆ).—ಬೆಂಗಳೂರು ಮೈಸೂರು ನಗರಗಳಲ್ಲಿರತಕ್ಕ ಅರಮನೆಗಳನ್ನು ಕಟ್ಟಲು ಸರ್ಕಾರಿ ಬೊಕ್ಕಸದಿಂದ ಹಣವನ್ನೇನೂ ಕೊಟ್ಟಿರಲಿಲ್ಲವೇ?

Sri K. HANUMANTHAIYA.—In those days, there was not much distinction between the private property and what is called public property though there were some good traditions in Mysore State. Though there were some bifurcations, His Highness in those days was held as sovereign and therefore in that capacity he could say at his discretion any property is his or any property is Government property.

ಶ್ರೀ ಬಿ. ರಾಜಯ್ಯ.—ಮೈಸೂರು ಸಿಟಿ, ಬೆಂಗಳೂರು ಸಿಟಿ ಅಲ್ಲದೆ ಬೇರೆಡೆಯಲ್ಲೂ Palaces ಇವೆಯೇ ನ್ಯಾಯ?

Sri K. HANUMANTHAIYA.—Yes, there are properties. He has got one Palace at Ooty and there are good many other properties.

ಶ್ರೀ ಬಿ. ರಾಜಯ್ಯ.—ಅವೆಲ್ಲಾ ಪ್ರೈವೇಟ್ ಪ್ರಾಪರ್ಟೀಸ್?

Sri K. HANUMANTHAIYA.—Yes, they are all considered to be his private properties under the agreement.

ಶ್ರೀ ಆರ್. ಮುನಿಸ್ವಾಮಯ್ಯ (ಬೆಂಗಳೂರು ಉತ್ತರ-ಅನುಸೂಚಿತ ಜಾತಿಗಳು).—ಕೆಮ್ಮಣ್ಣಗುಂಡಿ ಯಲ್ಲಿ ಇರತಕ್ಕದ್ದು ಗೌರ್ವರ್ನಮೆಂಟ್ ಪ್ರಾಪರ್ಟಿಯೇ, ಮಹಾರಾಜರವರ ಸ್ವಂತ ಪ್ರಾಪರ್ಟಿಯೇ?

Sri K. HANUMANTHAIYA.—I understand that it is Government property and it is being managed by the Horticultural Department.

Sri M. LINGANNA (Nanjangud).—In regard to the other palaces like the Lalitha Mahal, who is going to pay taxes? Is it out of the private purse of the Rajpramukh or from the Government?

Sri K. HANUMANTHAIYA.—Lalitha Mahal Palace is now a Government property.

Sri A. BHEEMAPPA NAIK (Molakal-muru).—Who is looking after the up-keep and maintenance of the Bangalore and Mysore Palaces?

Sri K. HANUMANTHAIYA.—Under the agreement, Government have to give Rs. 75,000. The Mysore Government have agreed to incur expenditure up to a limit of Rs. 75,000 towards the general maintenance of these Palaces. They will also incur an expenditure of Rs. 75,000 towards the maintenance of gardens of the Palaces. The maximum expenditure is fixed at Rs. 75,000. It may be a little less, but it cannot be more.

Sri J. MOHAMED IMAM.—I would like to know why we have suspended work.

Sri K. HANUMANTHAIYA.—You are asking questions.

Sri J. MOHAMED IMAM.—I heard the Leader of the House is expecting an amendment.

Mr. SPEAKER.—The question is:

“That clause 1 stand part of the Bill.”

The motion was adopted.

Clause 1 was added to the Bill.

Mr. SPEAKER.—The question is:

“That the Title and the Preamble stand part of the Bill.”

The motion was adopted.

The Title and the Preamble were added to the Bill.

Motion to pass.

Sri K. HANUMANTHAIYA.—Sir, I beg to move :

“ That the Mysore Municipal Laws (Amendment) Bill, 1953, as passed by the Council, be passed.”

Mr. SPEAKER.—The question is :

“ That the Mysore Municipal Laws (Amendment) Bill, 1953, as passed by the Council, be passed.”

The motion was adopted.

Mr. SPEAKER.—Now the City of Bangalore Improvement Bill.

THE CITY OF MYSORE IMPROVEMENT (AMENDMENT) BILL, 1954 AND THE CITY OF BANGALORE IMPROVEMENT (AMENDMENT) BILL, 1954.

Sri T. CHANNIAH (Minister for Public Health and Local Self-Government).—Mr. Speaker, Sir, with your permission I wish to take up both the Bills, namely, the City of Mysore Improvement (Amendment) Bill, 1954 and the City of Bangalore Improvement (Amendment) Bill, 1954 together, because the Amendments proposed in these two Bills are alike. I accordingly move :

“ That the City of Mysore Improvement (Amendment) Bill, 1954 and the City of Bangalore Improvement (Amendment) Bill, 1954, be taken into consideration.”

Sir, unrestricted power has been vested in the Trust Boards under Section 29 of the City of Bangalore Improvement Act and Section 25 of the City of Mysore Improvement Act with the result that it has not been possible for Government to exercise a certain measure of control in regard to the disposal of sites. Therefore certain amendments have been brought to enable Government to exercise some control over these Boards. One of the reasons for suggesting the amendments is that huge sums of money which have been advanced to these

Trust Boards are locked up and Government are vitally interested in prompt repayment of the advance. Since the publication of the Bill, it has been represented to Government that if the Bill is passed into Law the Trust Boards would be absolutely powerless. It was, therefore, suggested to Government that the Trust Board should have the power to dispose of sites at upset price and that cases of free grant may be referred to Government by the Trust Board for sanction. On further consideration, Sir, Government thought that the Trust Boards should have the power to dispose of sites at rates fixed in respect of certain schemes and that power to sanction free grants should be vested in Government. The amendment reads as follows.

Mr. SPEAKER.—Amendments can be moved later on.

Sri T. CHANNIAH.—Sir, I move that these two Bills be taken into consideration by the House.

Mr. SPEAKER.—Motion moved :

“ That the City of Bangalore Improvement (Amendment) Bill, 1954, be taken into consideration.”

Sri R. ANANTARAMAN (Chamarajapet).—Sir, I welcome this Bill. The amendments are for sub-sections (1) and (2) of the original Act. But actually, it is not so. 29 (1) is already in the original Act. But it has been recast now as (a), (b) and (c). I would just take up the original Act and read Section 29 for the information of the House. Section 29 of the City of Bangalore Improvement Act, 1945, reads as follows :

“ The Board shall, for the purposes of this Act, have power to acquire and hold movable and immovable property, whether within or without the City, and shall also, subject to the provisions of this Act, have power—

- (1) to let on hire, or lease any movable or immovable property which may have become vested in or acquired by them ;
- (2) to sell and otherwise convey, with or without any